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Attorneys for Plaintiffs Justin James and Nicole James

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JUSTIN JAMES and NICOLE JAMES;

Case No. CV-08-0397-BR

Plaintiffs,

v.

FREMONT REORGANIZING
COMPANY, fka FREMONT
INVESTMENT & LOAN COMPANY,
a California corporation; BRIDGE
CAPITAL CORPORATION, a
California corporation; HSBC BANK
USA, NA, a national banking
association,

DECLARATION OF HOPE DEL
CARLO IN SUPPORT OF
PLAINTIFFS' MOTION FOR ORDER
DIRECTING SERVICE OF
SUBPOENA BY U.S. MARSHALS
SERVICE

Defendants.

I, Hope A. Del Carlo, hereby declare as follows:

1. I am one of the attorneys for the plaintiffs in this case. I have personal knowledge of the facts set forth in this Declaration.

2. Plaintiffs have moved the Court for an order directing the US Marshals Service to personally serve a subpoena upon Charles Albert Pereida. Mr. Pereida is a former employee of defendant Bridge Capital Corporation, and a critical witness in this case. He resides in Irvine, California.

3. I issued a deposition subpoena and hired a private process server, ABC Legal, to serve Mr. Pereida on or about December 18, 2009. ABC Legal made several unsuccessful attempts to serve Mr. Pereida at his work address. The reception staff at his office said that they could not tell the server when he would be available due to his importance at the company and his irregular schedule.

4. On December 28, 2009, ABC Legal attempted to serve Mr. Pereida at an address believed to be his home, 231 Lonetree, Irvine, California. A person who identified himself as Charles "Doe" answered the door and denied that he was the subpoenaed witness. Mr. Pereida owns the condo located at 231 Lonetree, and it has been verified as his last known address via a US Postal Service trace.

5. FRCP 45(b)(1) requires personal service of subpoenas. The deposition was originally set for January 7, 2010, but due to the difficulty in serving Mr. Pereida, it had to be postponed.

6. I have made telephone contact with Mr. Pereida, and have left him several voice mail messages attempting to obtain his cooperation in scheduling his deposition and serving him with the subpoena. Since our initial conversation, he has not returned my calls or otherwise attempted to communicate with me. Mr. Pereida is aware that his testimony is needed in this proceeding; he appears to be consciously evading service, so that additional attempts to serve him by a private process server are likely to be futile.

7. I believe that the assistance of the US Marshals may encourage Mr. Pereida and his office staff to cooperate in accomplishing service and making him available as a witness

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_____ I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE
AND CORRECT.

DATED this 14th day of January, 2010.

OREGON LAW CENTER

By: /s/ Hope Del Carlo

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